

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

BRIAN KENNETH BELCHER,

Plaintiff,

v.

Civil Action no. 2:18-cv-01521

SOUTH CENTRAL REGIONAL JAIL,
C. O. HOLIDAY, and
DESHAUN MOSES,

Defendants.

ORDER

Pending is the plaintiff's objection to the Proposed Findings and Recommendation entered by the United States Magistrate Judge Dwane L. Tinsley on August 29, 2019. The objection is contained in a single-page handwritten letter, which is hereby ORDERED filed.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(C), and Rules 6(d) and 72(b), Federal Rules of Civil Procedure, the plaintiff had seventeen (17) days from the date of filing the Proposed Findings and Recommendation within which to file with the Clerk of this Court specific written objections that identify the portions of the Proposed Findings and Recommendation to which objection is made and the basis of such objection. The seventeen days included fourteen days for

the filing of objections and an additional three days for service and mailing. Inasmuch as the seventeenth day fell on a Sunday, the filing deadline was September 16, 2019.

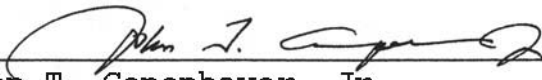
A single-page, handwritten letter from the plaintiff noting an objection to the filed Proposed Findings and Recommendation was received by the court on September 18, 2019. The letter arrived in an envelope bearing two postmarked dates: September 13, 2019 and September 16, 2019. Because the plaintiff is an inmate at South Central Regional Jail and the first postmarked date is within the seventeen-day period to file objections, the objection letter is deemed timely filed.

The objection fails to specify any plausible grounds. Therefore the Proposed Findings and Recommendation of United States Magistrate Judge Tinsley is hereby adopted and made a part thereof.

It is accordingly ORDERED that this case be, and it hereby is, dismissed without prejudice.

The Clerk is directed to forward copies of this order to the plaintiff, all counsel of record, and the United States Magistrate Judge.

ENTER: September 20, 2019



John T. Copenhaver, Jr.
Senior United States District Judge